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UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 SAN FRANCISCO DIVISION

CENTER FOR BIOLOGICAL  
 DIVERSITY, a non-profit organization,  
 Plaintiff,  
 v.  
 THE OFFICE OF MANAGEMENT AND  
 BUDGET,  
 Defendant.

No. C 07-4997 MHP

**STIPULATION AND ~~PROPOSED~~  
 ORDER REGARDING NOVEMBER 3,  
 2008 DEADLINE**

1 IT IS HEREBY STIPULATED, by and between the undersigned, subject to the approval  
 2 of the Court, that the November 3, 2008 deadline for certain events as more fully described in  
 3 Paragraph 3 of the Court's August 7, 2008 Order be modified as follows.

4 Paragraph 3 currently reads: "OMB shall complete its response to the FOIA request at  
 5 issue in this action by November 3, 2008, including the production of responsive documents not  
 6 subject to withholding under a FOIA exemption or privilege (which production shall be made in  
 7 stages, on September 8, 2008, October 8, 2008 and November 3, 2008), the production of final  
 8 *Vaughn* indices (which may be categorical rather than document by document), and the  
 9 production of any declaration(s) related to documents withheld under a FOIA exemption or  
 10 privilege."

11 Counsel for OMB has represented to counsel for CBD that OMB is unable, by November  
 12 3, 2008, to produce a final *Vaughn* index that identifies the documents it will withhold under a  
 13 FOIA exemption or privilege individually rather than by category and that it cannot produce  
 14 final supporting declarations until the *Vaughn* index is complete. Although it is CBD's position  
 15 that OMB's delay is unreasonable, based on OMB's representation, CBD agrees, and the parties  
 16 stipulate to the following, subject to the Court's approval:

17 OMB shall produce all responsive documents it contends are not subject to withholding  
 18 under a FOIA exemption or privilege and a draft *Vaughn* index and supporting declarations on or  
 19 before November 3, 2008 and OMB shall produce its final *Vaughn* index (describing each  
 20 withheld document individually) and final supporting declarations on or before November 13,  
 21 2008.

22 Respectfully submitted,

23 DATED: November 3, 2008

24 By: /s/  
 VERA PARDEE  
 Attorneys for Plaintiff

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JOSEPH P. RUSSONIELLO  
United States Attorney

DATED: November 3, 2008

By: /s/  
MICHAEL T. PYLE  
Assistant United States Attorney  
Attorneys for Defendant

**PURSUANT TO STIPULATION, IT IS SO ORDERED:**

The deadlines set by this Court on August 7, 2008 remain in effect with the following changes: OMB shall produce all responsive documents it contends are not subject to withholding under a FOIA exemption or privilege, a draft *Vaughn* index, and drafts of supporting declarations to CBD on or before November 3, 2008. OMB shall produce to CBD its final *Vaughn* index (which index will describe each withheld document individually) and final supporting declarations on or before November 13, 2008.

DATED: November 14, 2008

HON. MARILYN H. PATEL  
United States District Judge

